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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,941

04/02/2004

Joseph K. Haley

42989-199768

8948

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7590

08/07/2007

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EXAMINER

DOAN, ROBYN KIEU

ART UNIT

PAPER NUMBER

3732

MAIL DATE

DELIVERY MODE

08/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ED

Office Action Summary

Application No.

10/815,941

Applicant(s)

HALEY, JOSEPH K.

Examiner

Robyn Doan

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's Amendment filed 5/22/2007 has been entered and carefully considered. Claims 1, 5, 8, 12 and 14 have been amended. Claim 6 has been canceled. Limitations of amended claims have not been found to be patentable over prior art of record, therefore, claims 1-5, 7-17 are rejected under the same ground rejections as set forth in the office action mailed 2/22/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-12, 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiram in view of Ringdahl (IDS cited reference).

With regard to claims 8, 11 and 12, Tiram discloses an apparatus for trimming hair (fig. 10) comprising a hair trimming device (24), a mirror (32) and a structure (30) connecting the hair trimming device and the mirror, Tiram fails to show the mirror coupled to an attachment member and having a structure to hold the mirror resiliently, wherein in a first position, the mirror extends laterally relative to a first side of the hair trimming device and a second position the mirror extends laterally relative to second side of the trimming device. Ringdahl discloses an apparatus for shaving hair (fig. 2)

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comprising a hair trimming device (10), a magnifying lens (34) coupled to the hair trimming device by attachment structure (28), the attachment inherently holds the mirror resiliently (col. 4, lines 63-65 shows "the mirror 34 being placed in a given position relative to the razor, it will tend to stay in that relative position until later intentionally repositioned", therefore, it meets the claimed limitations); the mirror having a first position in which the mirror extends laterally relative to a first side of the hair trimming device and a second position in which the mirror extends laterally relative to a second side of the hair trimming device, the second side being opposite to the first side (magnifying lens 34 having shaft balls 26, 38 positioned within sockets 30, 32 therefore providing an adjustability to the position of the device such as the handles 26, 36 can move laterally relative to a first side of the trimming device to a second side of the trimming device). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the attachment structure as taught by Ringdahl into the device of Tiram for the purpose of providing position which is adjustable relative to the razor blade. In regard to claim 13, Tiram in view of Ringdahl shows the trimming device having a hair trimming element facing a first direction and the mirror facing generally in the first direction. In regard to claim 9, Tiram in view of Ringdahl shows a structure (Ringdahl 30, 26) that releasably retains the mirror in the first and second positions. In regard to claim 10, Tiram in view of Ringdahl show the hair trimming device having a hair trimming element (24, Tiram) facing in a first direction and the mirror facing generally in the first direction (Tiram, fig. 10). In regard to claim 14, Tiram in view of Ringdahl show an attachment structure (22) adapted to attached the

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magnifying lens to an elongate element (10), the attachment structure having first and second opposite sides and a member (30, 26) coupling the lens (34) to the attachment structure, the member having a first position in which the mirror inherently being held resiliently and extends beyond the first side of the attachment of the attachment structure and a second position in which the lens inherently being held resiliently and extends beyond the second side of the attachment structure (same analysis as discussed above in claim 8), the member having a structure (ball and socket) releasably retaining the connector in its first and second positions. In regard to claims 11 and 16, 17, Tiram in view of Ringdahl show the mirror being a magnifying mirror (Tiram, col. 4, line 58). With regard to claims 1 and 2, 15, Tiram in view of Ringdahl discloses the above device which inherently shows a step of placing the hair trimming device (24) having at least a magnifying mirror attached thereto, wherein the mirror inherently being held resiliently in one of two fixed positions lateral to the body (Ringdahl, col. 4, lines 63-65) and manipulating the hair trimming device to remove hair from portions of the body of the user, Tiram fails to show the step of facing a first mirror as a reflection of the mirror attached to the hair trimming device, however, it would have been obvious to one having an ordinary skill in the art to use such device in combination with another mirror in order to provide a view from the mirror of the hair trimming device. In regard to claim 3 and 4, 5, Tiram in view of Ringdahl inherently shows the mirror of the hair trimming device being arranged to move and extend beyond the hair trimming device (Ringdahl, fig. 2) laterally with respect to each side of the body of the user and the the mirror inherently being held resiliently in one of two fixed positions lateral to the body

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(Ringdahl, col. 4, lines 63-65). In regard to claim 7, Tiram in view of Ringdahl inherently shows the claimed method step.

Response to Arguments

Applicant has admitted that Ringdahl shows the mirror being held in a position lateral to the body, however, Applicant has argued that the mirror shown by Ringdahl is not held resiliently because of the ball-joint structures. As discussed above, Ringdahl shows the mirror tends to stay in a relative position until later intentionally repositioned, therefore, one skill in the art would know that the mirror is resiliently fixed in a certain position.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robyn Doan/
Primary Examiner
Art Unit 3732

rkd
August 5, 2007